GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Tribal Welfare Department – Appeal Petition filed by Sri G. Trinadh Dev S/o Jagannadh Dev, Occ: Employee, R/o East Godavari District- against the proceedings (M) Rc.No.1916/2003-C5, dated 27.08.2007 of the District Collector, Vizianagaram - under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) - Regulation of Issue of Community Certificates Act, 1993 (AP Act No.16/1993) – Appeal Petition dismissed – Orders -Issued.

SOCIAL WELFARE (TW.CV.2) DEPARTMENT

G.O.Ms.No. 54 Dated: 02.05.2018

Read the following:

1. Proceedings of the District Collector, Vizianagaram, (M) Rc.No. 1916/2003-C5, dt. 27.08.2007.
2. Appeal Petition filed by Sri G. Trinadh Dev S/o Jagannadh Dev, R/o Ramakrishnaraopeta, Sadivari Street, Kakinada, E.G. District before M(TW) dt. 20.09.2008.
3. Govt. Memo No. 9017/CV.2/2008-1, SW(CV.2) Deptt., dt.26.09.2008
4. From the District Collector, Vizianagaram, Lr. No.(M) Rc. No. 1916/2003/C5, dated 18.05.2012.
5. Govt. Memo No. 9017/CV.2/2008, SW(CV.2) Deptt., dt. 23.06.2012, 26.07.2012 & 31.08.2015 & 01.06.2017.

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ORDER:

In the reference 1st read above, the District Collector, Vizianagaram has issued orders cancelling ST-Mooka Dora caste certificate obtained from the then Tahasildar, Salur, Vizianagaram District in the year 1979 by Sri G. Trinadh Dev S/o Jagannadh Dev.

2. In the reference 2nd read above, Sri G. Trinadh Dev S/o Jagannadh Dev, has filed an Appeal Petition before the Government, against the Proceedings of the District Collector, Vizianagaram. After examining the said Appeal Petition, Government have admitted the Appeal Petition and granted stay on the proceedings of the District Collector, Vizianagaram and called for the parawise remarks and connected records from the District Collector, Vizianagaram in the reference 3rd read above.

3. In the reference 4th read above, the District Collector, Vizianagaram has furnished the Parawise remarks and the connected records on the Appeal Petition filed by Sri G. Trinadh Dev S/o Jagannadh Dev.

4. The said Appeal Petition has been posted for hearing on 09.07.2012, 06.08.2012, 19.09.2015 and finally on 17.06.2017 and the same has been informed to the Appellant and the Counsel for the Appellant in the reference 5th read above, and they were requested to attend for the hearing along with all Documentary Evidences/ Certificates in support of the community claim, failing which, it will be construed that there is no explanation what-so-ever to furnish in the matter and that the case will be decided based on the material available with the Government. The appellant has attended the hearing scheduled on 17.06.2017 and argued his case.

5. After hearing both the sides and on perusal of the records/ the copies of evidences/academic record/ grounds filed by the Appellant / the parawise remarks submitted by the District Collector, Vizianagaram and proceedings of the District Collector, Vizianagaram, dated 27.08.2007 the Appellate Authority is observed that :

I. The appellant in his grounds has stated that the respondent ought to have appreciated that the proceedings issued by the then MRO., Saluru Mandal

[P.T.O]

in R.Dis No. 187/90-D, dated 20.3.92 is based on the detailed enquiry caused by the then MRO, Saluru in the village Mamidipalli which is the native place of the appellant and submitted the report to the respondent which reveals that Sri Ganavamsam Jagannad Dev the father of the appellant and the family members have relations with the Mooka Dora Community of Sarika and Thonam villages and further revealed that Sri Dippala Suri Dora of Pachipenta is their relative as well as the family members of the Raya Thyada Pushapati of Pachipenta and also in the school records and electoral roles the caste of Gangavamsam family is recorded as Mooka Dora community. Therefore it is reported to the respondent that the appellant belongs to Mooka Dora of ST caste. Further he has also stated that the respondent ought to have seen that none of the documents relied upon by the Tribal Welfare Department of the DLSC were furnished to the appellant and no opportunity was given to the appellant in respect of those documents and the word Kshatriya do not denote the caste of the appellant but the same denotes that those persons belong to landlords and Zamindari family.

II. The District Level Scrutiny Committee has observed that based on the request of the District Manager, FCI-Kakinada i.e., the appointing authority of the appellant, during the discreet enquiry caused through the Revenue Divisional Officer, Parvatipuram it was discovered and determined that the family members of Sri. G. Trinadh Dev S/o. Jagannadh Dev of Mamidipalli village are following the traditions and customs of Kshatriya (OC) but not of Mooka Dhora (ST). Sri S.R.T.P. Seetharama Raju is the grandfather of G.Trinadh Dev S/o. Jagannadh Dev who belongs to Kshatriya (OC) Community of the same village. Further, the refusal of the family members to sign on the family members information evidently proves that they are hiding the facts on their social status. The Revenue Divisional Officer, Parvatipuram finally opined that the surname “Gangavamsam” does not fined place in Mooka Dhora Community and opined that G. Trinadh Dev S/o. Jagannadh Dev, Mamidipalli Village of Salur Mandal does not belong to “Mooka Dhora” ST. Further as per the report of the Revenue Divisional Officer, Parvatipuram, it is revealed that Sri. S.R.T.P. Seetharamaraju is the grandfather of G. Trinadh Dev S/o. Jagannadh Dev who belongs to Kshatriya Community. The DLSC members under Chairmanship of Joint Collector have enquired the matter in detail and duly giving a final chance to Sri G. Trinadh Dev S/o. Jagannadh Dev to submit documents and to represent the facts, but he failed to produce to the satisfaction in support of his claim, The caste certificates issued from his mother’s side were also cancelled. Hence committee finally recommended for cancellation of caste certificate of “Mooka Dhora” (ST) of G. Trinadh Dev S/o. Jagannadh Dev. Based on the recommendations of the DLSC, the District Collector has cancelled the appellant’s caste certificate.

III. Under section 6 of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (AP Act No.16/1993) the burden of proof lies on the Appellant only.

IV. The Appellate Authority is observed that during the course of hearing of the case that the appellant submitted his arguments as per his grounds in appeal petition and stated that the lower authority failed to consider that the appellant and the family community people of the appellant both on maternal side and paternal side are Mooka Dora community and the same may be considered to conclude his Community. On verification of the documents and the grounds of appeal and Para wise remarks as well as

[Contd.. on P.3]

the other documents and material available on the record it is noticed that except the above contention nothing was placed for appreciation of the case of the appellant and he failed to produce any evidence that he belongs to ST Community. It is further observed that grandfather of the appellant belongs to Kshatriya community and the relations of the appellant family are also Kshatriya community but not Mooka Dora community and the surname Gangavamsam does not find place in Mooka Dora community and the caste certificates granted to the mother's side of appellant also cancelled. Taking into consideration of the reports of all concerned it can be safely concluded that the appellant claim of Mooka Dora Community is not sustainable. That as per the act that the burden of proving that the appellant belongs to particular caste shall be on the appellant and it is the responsibility of the appellant to produce necessary evidence and documents to claim the same, but he failed to discharge the same. As seen from the record the lower authority passed the order after reasonable appreciating the evidence available on record as per law which deserves no interference. Hence it is apparent that the appeal is devoid of any merits and there is no infirmity in the findings of the learned District Collector, Vizianagaram District. That taking consideration of the above and the material available on the record that it can be concluded that the lower authority passed the order as per law which does not deserve any interference. Further it is also observed that the Government gave several opportunities to the Appellant to prove his caste but, appellant could not place any addition additional material despite having been given several opportunities by the Appellate Authority and the Government in principle is very liberal in receiving the documents in any stage of the appeal in order to ensure that the principles of natural justice are strictly followed.

6. In view of the several reasons recorded in the paras supra, the Government, in exercise of the powers conferred under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (Act No16 of 1993), decide that the appeal petition filed by Sri G. Trinadh Dev S/o Jagannadh Dev, does not deserve any interference. Hence, Proceedings of the District Collector, Vizianagaram issued vide (M) Rc.No.1916/2003-C5, dated 27.08.2007 , is hereby upheld and the Appeal Petition filed by Sri G. Trinadh Dev S/o Jagannadh Dev, is hereby dismissed and the Certificate issued by the then Tahasildar, Salur, Vizianagaram District is deemed to be cancelled.

7. The District Collector, Vizianagaram is directed to take necessary consequential action in the matter.

8. The records (containing (M) Rc.No.1916 /2003-C5, pages: CF: 1-458) received from the District Collector, Vizianagaram through in the reference 4th read above, are returned herewith in original to the District Collector, Viziangaram and he is requested to acknowledge the receipt of the same, immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.S. RAWAT
PRINCIPAL SECRETARY TO GOVERNMENT

To
The District Collector, Vizianagaram. (BY RPAD)
(with original records).

The Tahsildar, Salur, Vizianagaram District .

Sri G. Trinadh Dev S/o Jagannadh Dev,
R/o Ramakrishnaraopeta, Sadivari Street, Kakinada,
EastGodavari District.

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Sri Venkata Ranga Das Kanuri, Advocate,
Flat No.414, Sovereign Shelter Aparts.,
Beside Ganga Jamuna Hotel, Lakdi ka pool, Hyderabad.

The Dy. General Manager (AP),
Food Corporation of India, HACA Bhavan, Hyderabad

Copy to :

The Director, TCR& TI, AP, Amaravathi.
The PS to M(SWE & TWE).
The PS to Principal Secretary(SW&TW)

// FORWARDED:: BY ORDER //

SECTION OFFICER